

22764 U.S.PTO  
040104

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **26416/05042**

First Inventor **Rettinger, et al.**

Title **PROCESS FOR ADDING MICROBIOLOGICALLY SAFE  
CHOCOLATE PARTICULATES TO YOGURT**

Express Mail Label No. **EL084752174US**

Deposited by

*Kristin J. Frost*

**Kristin J. Frost**

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

**ADDRESS TO:**  
Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification **[Total Pages 30]**
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) **[Total Sheets 1]**
5. Oath or Declaration **[Total Sheets 3]**
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6.  Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

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19270 10/815305

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**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent
17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No. ....

Prior application information:

Examiner \_\_\_\_\_

Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

Customer Number: **24024** OR  Correspondence address below

|                   |                                |                |   |
|-------------------|--------------------------------|----------------|---|
| Name              | Calfee, Halter & Griswold, LLP |                |   |
| Address           |                                |                |   |
| City              | State                          | Zip Code       |   |
| Country           | Telephone                      | (216) 622-8895 | Fax (216) 241-0816                              |
| Name (Print/Type) | Kristin J. Frost               |                | Registration No. (Attorney/Agent) <b>50,627</b> |
| Signature         | <i>Kristin J. Frost</i>        |                | Date <b>April 1, 2004</b>                       |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**UTILITY  
PATENT APPLICATION  
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*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

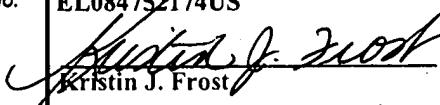
Attorney Docket No. **26416/05042**

First Inventor **Rettinger, et al.**

Title **PROCESS FOR ADDING**

Express Mail Label No. **EL084752174US**

Deposited by

  
**Kristin J. Frost**

**CERTIFICATE OF EXPRESS MAILING**

Date of Deposit: April 1, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kristin J. Frost

Name of Person Signing (Type or Print)

Signed: 

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,838)

| Complete if Known    |                  |
|----------------------|------------------|
| Application Number   | Not yet assigned |
| Filing Date          | Herewith         |
| First Named Inventor | Rettinger et al. |
| Examiner Name        | Not yet assigned |
| Art Unit             | Not yet assigned |
| Attorney Docket No.  | 26416/05042      |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number **03-0172**  
 Deposit Account Name **Calfee, Halter & Griswold, LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity      | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description        | Fee Paid |
|-------------------|--------------|---------------|---------------|------------------------|----------|
| 1001              | 770          | 2001          | 385           | Utility filing fee     | 770      |
| 1002              | 340          | 2002          | 170           | Design filing fee      |          |
| 1003              | 530          | 2003          | 265           | Plant filing fee       |          |
| 1004              | 770          | 2004          | 385           | Reissue filing fee     |          |
| 1005              | 160          | 2005          | 80            | Provisional filing fee |          |
| SUBTOTAL (1) (\$) |              | 770           |               |                        |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    |    | Extra Claims | Fee from below | Fee Paid |
|--------------------|----|--------------|----------------|----------|
| Total Claims       | 65 | -20** = 45   | x 18           | 810      |
| Independent Claims | 6  | - 3** = 3    | x 86           | 258      |
| Multiple Dependent |    |              |                |          |

| Large Entity      | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description  |
|-------------------|--------------|---------------|---------------|--|
| 1202              | 18           | 2202          | 9             | Claims in excess of 20                                     |
| 1201              | 86           | 2201          | 43            | Independent claims in excess of 3                          |
| 1203              | 290          | 2203          | 145           | Multiple dependent claim, if not paid                      |
| 1204              | 86           | 2204          | 43            | ** Reissue independent claims over original patent         |
| 1205              | 18           | 2205          | 9             | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) |              | 1,068         |               |  |

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) | Fee Description  | Fee Paid |
|---------------|----------|---------------|----------|--|----------|
| 1051          | 130      | 2051          | 65       | Surcharge - late filing fee or oath  |          |
| 1052          | 50       | 2052          | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053          | 130      | 1053          | 130      | Non-English specification  |          |
| 1812          | 2,520    | 1812          | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804          | 920*     | 1804          | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805          | 1,840*   | 1805          | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251          | 110      | 2251          | 55       | Extension for reply within first month                                     |          |
| 1252          | 420      | 2252          | 210      | Extension for reply within second month                                    |          |
| 1253          | 950      | 2253          | 475      | Extension for reply within third month                                     |          |
| 1254          | 1,480    | 2254          | 740      | Extension for reply within fourth month                                    |          |
| 1255          | 2,010    | 2255          | 1,005    | Extension for reply within fifth month                                     |          |
| 1401          | 330      | 2401          | 165      | Notice of Appeal   |          |
| 1402          | 330      | 2402          | 165      | Filing a brief in support of an appeal                                     |          |
| 1403          | 290      | 2403          | 145      | Request for oral hearing   |          |
| 1451          | 1,510    | 1451          | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452          | 110      | 2452          | 55       | Petition to revive - unavoidable   |          |
| 1453          | 1,330    | 2453          | 665      | Petition to revive - unintentional   |          |
| 1501          | 1,330    | 2501          | 665      | Utility issue fee (or reissue)   |          |
| 1502          | 480      | 2502          | 240      | Design issue fee   |          |
| 1503          | 640      | 2503          | 320      | Plant issue fee  |          |
| 1460          | 130      | 1460          | 130      | Petitions to the Commissioner  |          |
| 1807          | 50       | 1807          | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806          | 180      | 1806          | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021          | 40       | 8021          | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809          | 770      | 2809          | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810          | 770      | 2810          | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801          | 770      | 2801          | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802          | 900      | 1802          | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0

## SUBMITTED BY

(Complete if applicable)

|                   |                  |                                   |        |           |                |
|-------------------|------------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Kristin J. Frost | Registration No. (Attorney/Agent) | 50,627 | Telephone | (216) 622-8895 |
| Signature         | Kristin J. Frost |                                   |        | Date      | April 1, 2004  |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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